

Serial No.: 10/552,857

Response to Office Action mailed: February 18, 2010

Amendment Dated: October 22, 2010

REMARKS/ARGUMENTS

This is in response to the Office Action mailed October 22, 2010 for the above-captioned application.

The Examiner stated that claim 78 was drawn to a non-elected invention and treated it as withdrawn. Claim 78 has been amended to refer to elected sequence 14 consistent with the prior election.

The claims have been amended to use the terms "BANYULS" as the full length form of the abbreviation BAN in view of the Examiner's remarks in ¶ 10 of the office action. This amendment is believed to overcome the rejection under 35 USC § 112, second paragraph. It is noted that the person skilled in the art would understand this gene to have anthocyanidin reductase activity.

In reviewing the claims, Applicants also realized that a potential ambiguity existed because each section contained subparagraphs labeled as (a), (b) To avoid any ambiguity, these have been amended to read (a1), (b1), (a2), (b2) ... and (a3), (b3)

The Examiner indicated that claim 81 would be allowable if amended to independent form. This amendment has now been made, and therefore, at a minimum, this claim should be allowed.

Claims 65-73, 75-77, 79-80 and 82 remain rejected under 35 USC § 112, first paragraph, as lacking written description. The Examiner rejected the previously submitted arguments stating on Page 4 of the office action that the specification provides no definition of the various sequences listed in the Appendix to the last response, and stated that the Appendix had not therefore been considered. Applicants respectfully disagree with this Examiner's position. The relationship is shown in the description of the Figures, starting on Page 17 of the application. For example, the description of Figure 2 indicates that Seq ID No. 1 is the sequence of TrCHSa3. For the examiner's convenience, the following cross-reference tables of Seq ID Nos. with the identifiers of the previously submitted identifiers is provided.

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Trifolium repens nucleotide sequences in US 10/552,857

Designation	Figure	SEQ ID No:
TrCHS3as TrCHSa3	2	1
TrCHS3cs TrCHSc	6	3
TrCHS3fs TrCHISf	10	5
TrCHS3hs TrCHSh	14	7
TrLARas TrLARa	22	11
TrLARbs TrLARb	26	13
TrLARcs TrLARc	30	15

Trifolium repens polypeptide sequences in US 10/552,857

Designation	Figure	SEQ ID No:
TrCHS3ap TrCHSa	3	2
TrCHS3cp TrCHSc	7	4
TrCHS3fp TrCHISf	11	6
TrCHS3hp TrCHSh	15	8
TrLARap TrLARa	23	12
TrLARbp TrLARb	27	14
TrLARcp TrLARc	31	16

As previously noted, the Office alleges that “[t]he structural features that distinguish those nucleic acids that modify the levels of chalcone synthase, BANYULS and leucoanthocyanidine reductase in a plant cell from those that do not are not described in the specification.” The previously submitted nucleotide and amino acid alignments identify conserved regions, and therefore provide the guidance necessary to show possession of the claimed variants.

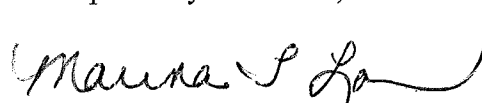
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In view of the foregoing, Applicants submit that all of the claims of this application are now in form for allowance, and such action is respectfully urged. Further, consideration of the non-elected sequences, all of which have similarity in both structure and function within the relevant group, as reflected in the alignments previously submitted is respectfully urged.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marina T. Larson", with a stylized flourish at the end.

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